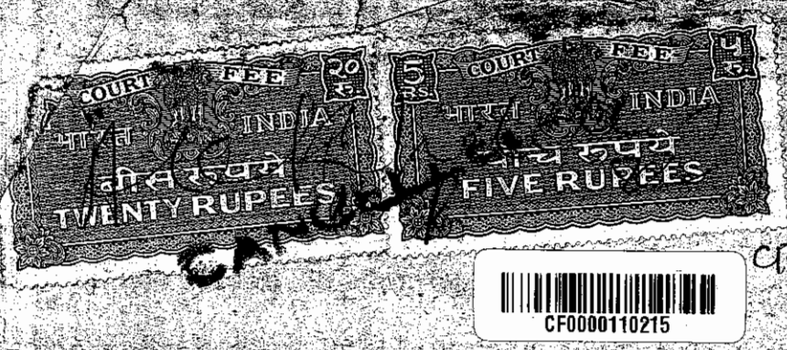

CF0000110215

BEFORE THE HON'BLE HIGH COURT OF MADHYA PRADESH AT JABALPUR.

Division Bench (Writ)

M.P.No. 1226 /1990.

The Managing Director,
Steel Authority of India Ltd.,
Bhilai Steel Plant,
BHILAI.

... PETITIONER.

VERSUS.

~~1. State of Madhya Pradesh.~~

2. Industrial Court of Madhya Pradesh
Bench at Raipur,
HIG-16, Sector-1,
Krishna Sadan, Shankar Nagar,
RAIPUR M.P.

3. The Presiding Officer,
Labour Court, Durg.

4. Lawrence, Staff Qr.No.3,
B Vishram Griha, Sector-6,
Bhilainagar.

... RESPONDENTS.

PETITION UNDER ARTICLE 226/227 CONSTITUTION OF INDIA FOR GRANT OF WRIT OF MANDAMUS/CERTIORARY.

The Petitioner named above submits as under :

1. That, the order and judgement of the Labour Court, Durg dated 8.3.89 Annexure A-3 and Industrial Court, Raipur dated 8.1.90 Annexure A-4 under challenge in this petition are passed in utter disregard of the settled principle of law that in case an amendment is made in law providing a shorter period of limitation and if there is still time

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 1226/90 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13/09/2005: -

Mr. N.K. Vyas learned counsel for the petitioner.

Heard.

These writ petitions namely W.P. Nos.1178 of 1990, 1225 of 1990 and 1226 of 1990 are being disposed of by this common order as they arise out of the common judgment and order of the Courts below.

These petitions have been filed under Article 226/227 of the Constitution of India impugning the judgment and order dated 08/03/1989 of the Labour Court, Durg as well as the judgment and order dated 08/01/1990 of the Industrial Court.

Respondent No.3 in W.P. No.1178 was appointed as Care Taker by appointment order dated 26/10/1981, respondent No.3 in W.P. No.1225 of 1990 was appointed as Care Taker by appointment order dated 12/10/1982 and respondent No.3 in W.P. No.1226 of 1990 was appointed as Care Taker by appointment order dated 20/10/1977. Respondent No.3 claimed over time for the work performed by them. Learned Labour Court vide its order dated 08/03/1989 allowed thirteen case of similar nature holding that the Care Taker, who have been appointed directly and treated as ministerial staff, have been given over time; whereas respondent No.3 (in all the three petitions) who were appointed subsequently was not treated as ministerial staff, the same was discriminatory. The labour Court allowed the application of respondent No.3 and

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मामला क्रमांक W.P. 1226/90 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

directed the petitioner to grant over time payment to respondent No.3 also.

The petitioner filed appeal before the Industrial Court. The Industrial Court by its order dated 08/01/1990 decided all thirteen appeals affirming the finding and order of the Labour Court. The petitioner thereafter filed writ petitions before the High Court of Madhya Pradesh at Jabalpur against the order passed by the Industrial Court in all thirteen appeals.

Learned counsel appearing for the petitioner submits that nine petitions namely Misc. Petition Nos.1190/90, 1157/90, 1165/90, 1175/90, 1177/90, 1179/90, 1180/90, 1208/90 and 1211/90 have been decided by the High Court of Judicature for Madhya Pradesh at Jabalpur vide order dated 24/06/1994 allowing the petition of the petitioners by quashing the order dated 08/03/1989 passed by the Labour Court and the order dated 08/01/1990 passed by the Industrial Court in all the writ petitions.

I have perused the order passed by the High Court of Madhya Pradesh Bench at Jabalpur. On perusal, I find that the question of law involved in the present cases and other cases, which have been decided by the High Court of Madhya Pradesh at Jabalpur, is one and the same. The present petitions are squarely covered by the decision of the High Court of Madhya Pradesh.

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मामला क्रमांक ....W.P. 1226/90..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Accordingly, the present writ petitions are also allowed and the order dated 08/03/1989 passed by the Labour Court and the order dated 08/01/1990 passed by the Industrial Court are quashed. No order as to costs. Sd/- Satish K. Agnihotri Judge	

Brajesh